UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

FILED
2008 JUL 17 PM 3:28
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

TO: ☐ U. S. DISTRICT JUDGE / ☑ U. S. MAGISTRATE JUDGE Adler
FROM: R. Mullin, Deputy Clerk RECEIVED DATE: 7/14/2008
CASE NO.: 07cv2010 W (JMA) DOCUMENT FILED BY: Plaintiff
CASE TITLE: Rogers v. Rivas, et al
DOCUMENT ENTITLED: Opposition to Defendant's Motion to Dismiss Complaint, and to Strike

Upon the submission of the attached document(s), the following discrepancies are noted:

✓	*Local Rule*	*Discrepancy*
☐	5.1	Missing time and date on motion and/or supporting documentation
☐	5.3	Document illegible or submitted on thermal facsimile paper
☐	**5.4**	**Document not filed electronically. Notice of Noncompliance already issued.**
☐	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
☐	7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
☐	7.1 or 47.1	Briefs or memoranda exceed length restrictions
☐	7.1	Missing table of contents
☐	15.1	Amended pleading not complete in itself
☐	30.1	Depositions not accepted absent a court order
☐		Supplemental documents require court order
☐		Default Judgment in sum certain includes calculated interest
X		**OTHER: Documents already on file (Docket # 16).**

Date forwarded: 7/14/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

☐ The document is to be filed nunc pro tunc to date received.

☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ~~Yes.~~ No. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Adler

Dated: 7/15/2008 By: HAH

cc: All Parties

K:\COMMON\FORMS\CIVCRM35.WPD
Form # Civ/Crim 35 (4/98) -- [Docuument Discrepancy / Court Order]

ORIGINAL

REJECTED

Esau Rogers, P-54800
Centinela State Prison
P.O. Box 931 - D3-123L
Imperial, CA 92251-0931

In Pro Se

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ESAU ROGERS, Plaintiff, v. S. RIVAS, et al., Defendants.	Case No. 07 cv 2010 W (JMA) **OPPOSITION TO DEFENDANTS' MOTION TO DISMISS COMPLAINT, AND TO STRIKE** **Hon. Jan M. Adler** **United States Magistrate Judge**

On or about October 17, 2007, Plaintiff, ESAU ROGERS, an inmate currently incarcerated at Centinela State Prison in Imperial, California, and proceeding pro se, filed a Civil Rights Complaint pursuant to 42 U.S.C. § 1983.

On or about March 10, 2008, the Honorable Thomas J. Whelan, United States District Judge, ordered a reply to the Complaint.

On or about May 16, 2008, Defendants, by and through their attorney, filed a Motion to Dismiss Complaint, and to Strike.

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REJECTED

Esau Rogers, P-54800
Centinela State Prison
P.O. Box 931 - D3-1231
Imperial, CA 92251-0931

In Pro Se

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ESAU ROGERS, Plaintiff, v. S. RIVAS, et al., Defendants.	Case No. 07 cv 2010 W (JMA) MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION TO DISMISS COMPLAINT, AND TO STRIKE Hon. Jan M. Adler United States Magistrate Judge

I

INTRODUCTION

This action is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343.

All of the conduct giving rise to the claims alleged herein arose in Imperial County, California. Therefore, venue is proper under 28 U.S.C. § 1391.

This is a claim for damages and injunctive relief brought under 42 U.S.C. § 1983 against prison officials for violations of Plaintiff's rights to freedom of speech (redress) as protected by the First Amendment of the United States Constitution, and to be free from cruel and unusual punishment as protected by